

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-815-C - ORDER NO. 91-599 ✓

JULY 22, 1991

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| IN RE: | Southern Bell Telephone & Telegraph |) | ORDER APPROVING |
| | Company's Revisions to its General |) | LIMITED REVISIONS |
| | Subscriber Services Tariff Related to |) | TO GENERAL |
| | the Introduction of Certain Open Network |) | SUBSCRIBER |
| | Architecture Features. |) | SERVICES TARIFF |

This matter is before the Public Service Commission of South Carolina (the Commission) on Southern Bell Telephone & Telegraph Company's (Southern Bell's or the Company's) application for revisions to its General Subscriber Services Tariff. In revising its General Subscriber Services Tariff, Southern Bell proposes to introduce new or newly unbundled networks of service identified as Open Network Architecture (ONA). Additionally, Southern Bell seeks authority to charge an access premium charge for its ONA services.

The Commission's Executive Director instructed Southern Bell to publish one time a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of Southern Bell's application and the manner and time in which to file the appropriate pleadings for participation in the proceeding. Southern Bell complied with this instruction and provided the Commission with proof of publication of the Notice of Filing. A Petition to

Intervene was filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). Notices of Protest were filed by L. E. Rutherford, President of Bates Answering Service, James C. Bagwell, President of Telephone Answering Service, Inc., and Dennis H. Dallas, President of Accurate Telephone Secretaries, Inc.

A hearing was commenced on Thursday, April 11, 1991, at 10:30 a.m. in the Commission's Hearing Room. The Honorable Marjorie Amos-Frazier presided. Fred A. Walters, Esquire, represented Southern Bell; Elliott F. Elam, Jr., Esquire, represented the Consumer Advocate; and F. David Butler, Staff Counsel, represented the Commission Staff. None of the Protestants appeared at the hearing.

After a thorough consideration of the entire record, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. As explained by Southern Bell witness Nancy Sims, Southern Bell seeks to introduce a number of new or newly unbundled network services known as Open Network Architecture (ONA) features. Specifically, Southern Bell seeks to offer the following unbundled services:

Trunk Side Access Facility
Uniform Access Number (UAN)
Custom Service Areas (CSA)
Automatic Number Identification (ANI)
Call Detail Information (CDI)
Bulk Calling Line Identification (BCLID)
Simplified Message Desk Interface (SMDI)
Message Waiting Indication (MWI)
Surrogate Client Number (SCN)
Multiline Hunt Queuing

2. Sims testified that Southern Bell also seeks approval of an Exchange Access Premium Charge which will be charged for each of the services offered in this filing.

3. Prior to the hearing on this matter, the Consumer Advocate filed a Motion for a Continuance. He argued that Bulk Calling Line Identification, Automatic Number Identification, and Simplified Message Desk Interface are similar to Southern Bell's Caller I.D. service and that since the legality of the Caller I.D. service is pending before the South Carolina Supreme Court,¹ the Commission should postpone its consideration of the BCLID, ANI, and SMDI services. In its response to the Consumer Advocate's motion, Southern Bell admitted BCLID was similar to Caller I.D. and agreed to postpone that offering until the Caller I.D. issue was resolved. The Commission denied the Motion for a Continuance but postponed any consideration of or ruling on the BCLID feature. Order No.

1. Southern Bell Telephone & Telegraph Company v. Hamm, Civil Action No. 90-CP-40-2686.

91-235.²

4. Caller I.D. is an optional TouchStar feature service offered by Southern Bell which allows a customer to automatically view the caller's telephone number before the customer answers the telephone. On some units, the date and time of the call may be displayed and this information may be stored and later retrieved in case the customer is absent. Southern Bell proposed that Caller I.D. would be offered to single-line businesses and residential customers. Order No. 90-428. Caller I.D. does not provide the calling party with notice that his telephone number will be displayed.

5. Pursuant to the Company's proposed tariff, Uniform Access Number (UAN) is an optional service which provides the customer with a uniform Business Line Telephone Number which the customer's client can use to access the customer's service. Through UAN, the customer's client will be able to dial one number from all locations within a specified area and the call will be routed to a specified customer location within the LATA. Witness Sims testified that this service would be useful for businesses such as a hotel chain or pizza delivery.

2. Originally, the Commission approved Southern Bell's Caller I.D. tariff. After the Consumer Advocate appealed the Commission's approval of the tariff, the Commission stayed its approval pending the appeal. See Order Nos. 90-428, 90-530, and 90-574 in Docket No. 89-638-C.

6. According to Southern Bell's proposed tariff and Ms. Sim's testimony, Automatic Number Identification (ANI) is an optional feature which automatically provides the customer with a calling party's billing number at the time the call is made. ANI requires subscription to the Uniform Access Number (UAN) service. Ms. Sims explained that this service would be useful to businesses who deliver service upon receipt of a telephone call.

7. Pursuant to the Company's tariff, Trunk Side Access Facility allows for termination of incoming calls to the customer and is necessary for Uniform Access Number (UAN) and Automatic Number Identification (ANI) services. Individual line and Private Branch Exchange (PBX) trunk business customers and MegaLink channel service customers may also subscribe to Trunk Side Access Facility where facilities permit.

8. According to Southern Bell's proposed tariff, Custom Service Area (CSA) is an optional service which will allow a customer to define a specific geographical area within the LATA from which the customer can receive calls. This service requires that the customer purchase Uniform Access Number (UAN) service.

9. According to the Company's proposed tariff, Call Detail Information (CDI) is an arrangement whereby a customer who has Uniform Access Number (UAN) service can obtain a monthly record of the calling telephone numbers and the date, time of day, and call duration.

10. Pursuant to Southern Bell's proposed tariff and Ms. Sims' testimony, Simplified Message Desk Interface (SMDI) is a feature which provides the technical link to a customer-provided voice mailbox system. This service allows call information such as the called telephone number and the reason for forwarding a call to be recorded in the customer's voice mailbox system. When SMDI is on an intra-office basis, the service will pass the number of the calling party to the voice mailbox; SMDI does not allow the calling party's number to be passed along if the calling number is not included in the customer's voice mailbox system.

11. SMDI provides the interface for Southern Bell's Memory Call service. Memory Call, a voice mailbox service, is not offered in the present or any other tariff. On cross-examination, Ms. Sims testified that, when offered, Memory Call should not be a regulated service.

12. SMDI has the capacity to activate and deactivate Message Waiting Indication (MWI). According to Ms. Sims' testimony, MWI provides an audible tone which indicates that a message is on the customer's voice mailbox system.

13. According to the Company's proposed tariff, the Surrogate Client Number (SCN) feature provides for a telephone number in the subscriber's serving wire center from which calls will be forwarded on an intraoffice basis to the subscriber's exchange service. SCN is used with SMDI to provide a client-specific intra-office code for the SMDI to link to the customer to identify the client.

14. According to Ms. Sims and the Company's proposed tariff, Multiline Hunt Queuing service provides the capability to automatically distribute calls when all lines in the hunt group are busy. This feature permits certain call functions normally performed by customer premises equipment to be performed in the central office.

15. Ms. Sims explained that Southern Bell also requests that the Commission approve the Company's Exchange Access Premium Charge which the Company intends to charge to each flat, measured, and message rate exchange service access facility associated with the premium features of ONA. Ms. Sims emphasized that this charge would only apply to premium features or services associated with above-average use of Southern Bell's network. Ms. Sims testified that the proposed Exchange Access Premium Charge rates were based on rates of similar services offered by Southern Bell on a bundled basis, on rates for similar services offered by other vendors, and on the basis of value of service to the customer.

16. At the conclusion of the hearing, Commissioner Arthur inquired if any of Southern Bell's proposed ONA services are being used by pornographic businesses in other states. Ms. Sims stated she did not know but would check with Southern Bell's marketing organization. She explained that most pornographic businesses use 900 service which requires the client to pay for the telephone call. The ONA services require Southern Bell's customer to pay for the service. Southern Bell's attorney stated he would obtain information responsive to Commissioner Arthur's request.

17. Shortly after the hearing, Southern Bell submitted documentation in response to Commissioner Arthur's question. This documentation was marked as Hearing Exhibit 2. The Consumer Advocate objected to a large portion of the exhibit on the grounds that the portions were not responsive to Commissioner Arthur's request. The Consumer Advocate stated that the objected to portions were an additional attempt by Southern Bell to explain the services offered in its ONA tariff.

CONCLUSIONS OF LAW

1. Southern Bell is a telephone utility operating within its service area within the State of South Carolina. S.C. Code Ann. §58-9-10, et seq. Southern Bell's intrastate service offerings are regulated by the Commission.

2. Based upon the testimony and exhibits presented at the hearing, the Commission approves the Uniform Access Number (UAN), Trunk Side Access Facility, Custom Service Area (CSA), Simplified Message Desk Interface (SMDI), Message Waiting Indicator (MWI), Surrogate Client Number (SCN), and Multiline Hunt Queuing. The Commission concludes that these services would be valuable and useful to both Southern Bell's customers and to the public interest as a whole. The Commission notes the Consumer Advocate's objection to the approval of Simplified Message Desk Interface (SMDI) on the ground that SMDI is similar to Caller I.D. The Commission finds, however, that according to Ms. Sims' testimony and the proposed tariff, SMDI only allows the calling party's number to be displayed when the calling party is included in the customer's intra-office

mailbox system. The Commission concludes that by using an intra-office voice mailbox system one effectively consents to the forwarding of his telephone number at the time he places an intra-office call.

3. The Commission further finds that should Southern Bell decide to offer its Memory Call service in South Carolina, the Company must first file a tariff on Memory Call features for Commission review and approval.

4. The Commission concludes that because the validity of Southern Bell's Caller I.D. service is pending before the South Carolina Supreme Court, any rulings by this Commission on services which are similar to or related to Caller I.D. should be postponed until such time as the Court rules on the legality of Caller I.D.

5. Southern Bell agrees that Bulk Calling Line Identification (BCLID) is similar in nature to Caller I.D. and has previously agreed to postpone its offering of this service. Therefore, the Commission will hold its determination of the propriety of this feature in abeyance pending a decision on Caller I.D.

6. The Commission concludes that Automatic Number Identification (ANI) is similar to Caller I.D. in that it displays the calling party's number at the time he places a call. The Commission further finds that, like Caller I.D., a party calling an ANI subscriber would not be aware that his telephone number is being displayed to the party he is calling. While the ANI service may indeed be useful to certain businesses, the Commission

concludes that its ruling on this service should be held in abeyance pending a ruling on Caller I.D.

7. The Commission concludes its ruling on Call Detail Information should also be postponed pending a decision by the Supreme Court on Caller I.D. Although CDI does not automatically display a calling party's number at the time the call is placed, it does record the telephone numbers, date, time, and duration of calls placed to the customer. The Commission finds that individuals who call a customer who has CDI would not know that this specific information about his call is being recorded.

8. The Commission approves the Exchange Access Premium Charge for those ONA services it has approved. The Commission finds that Southern Bell's proposed rates are reflective of market conditions and properly reimburse the Company for its premium services.

9. Finally, the Commission overrules the Consumer Advocate's objection to portions of Hearing Exhibit 2. While the Consumer Advocate may be correct in asserting that portions of the exhibit are unresponsive to Commissioner Arthur's request, the Commission did not consider the documentation submitted in Hearing Exhibit 2 in ruling on the ONA tariff.


10. In conclusion, the Commission hereby approves the following ONA services:

Uniform Access Number (UAN)
Trunk Side Access Facility
Custom Service Area (CSA)
Simplified Message Desk Interface (SMDI)
Message Waiting Indicator (MWI)
Surrogate Client Number (SCN)
Multiline Hunt Queuing


Likewise, the Commission approves the Exchange Access Premium Charge associated with exchange access facilities using these approved services. Southern Bell shall file a revised tariff regarding these services and reflecting the findings herein with the Commission prior to offering these services to its customers.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director
(SEAL)